

R E M A R K S

1. Summary

Prior to entry of this Amendment:

- Claims **1 – 6, 21 – 26, 36 – 40, 55 and 56** are pending in the present application.
- Each of the pending claims stands rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,942,574 to LeMay.

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims **1- 6, 21 – 26, 36 – 40, 55 and 56** will remain pending.

2. Section 102 Rejection over LeMay

Claims **1 – 6, 21 – 26, 36 – 40, 55 and 56** stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,942,574 to LeMay et al. (“LeMay” herein). Applicants respectfully traverse the rejection of these claims based on the reasons presented below.

2(a). Independent Claims 1 and 21

Each of independent claims **1 and 21** recite the following limitation that is not taught or suggested by LeMay:

- *Outputting a message to a player via the game machine, the message comprising a recommendation of the feature [of the game machine]*

LeMay, in all of the sections cited by the Examiner in support of the rejection of independent claims **1 and 21** and in the remainder, merely describes providing *access* to particular content or content source based on certain information (e.g., a player identifier). However, LeMay is completely devoid of any description of *recommending* a feature of a gaming device. Providing access to content or a content source by making it available to a player is different from recommending content or a content source, much less from recommending a feature of a game machine.

Applicants note that the pending claims originally recited merely outputting a message and have during prosecution been amended to recite that the message comprises a recommendation of a feature. Accordingly, it is clear that recommending the feature is distinct from merely outputting a message. LeMay, at most, can be characterized as outputting a message (e.g., by outputting an indication of content or sources that the player has access to). But LeMay does not address recommending content or a content source, much less recommending a feature and does not enable how such a recommendation may be determined or accomplished.

Dependent claims **2 – 6** are each dependent from independent claim **1** and are thus patentable at least for the same reasons as independent claim **1**. Dependent claims **22 – 26** are each dependent from independent claim **21** and are thus patentable at least for the same reasons as independent claim **21**.

2(b). Independent claims 36 and 38

Independent claims **36 and 38** each recite the following set of limitations that are not taught or suggested by LeMay:

- *determining a first representation of the message and a second representation of the message;*
- *outputting the first representation of the message to a first player at a game machine; and*
- *outputting the second representation of the message to a second player at a game machine*

In other words, the same message is output via two representations, one representation being output to a first player and a second representation of the same message being output to a second player. LeMay fails to describe such a feature. In LeMay, if messages are output to two different players, the messages may be different for the two different players (e.g., a first message may be output to a first player and a second message may be output to a second player) but there is no description in LeMay of determining the same single message and outputting two different representations of it to two respective players. For example, if a menu of available content is output to two different players, the menu output to the first player may list content different from the menu output to the second player. However, this is two different messages, not two different representations of the same message.

Dependent claim **37** is dependent from independent claim **36** and thus patentable at least for the same reasons as claim **36**. Dependent claim **39** is dependent from independent claim **38** and thus patentable at least for the same reasons as claim **38**.

2(c). Independent Claim 40

Independent claim **40** recites the following limitation that is not taught or suggested by LeMay:

- *suppressing output of the message,
wherein suppressing output of the message includes delaying
output of the message until a trigger condition is satisfied*

Applicants have reviewed the entirety of LeMay and have been unable to find any description of suppressing a message from being output after the message has been determined, much less suppressing it by delaying the output of the message until a trigger condition is satisfied. In LeMay, once a message is determined it is output and the output of it is not suppressed and / or delayed.

2(d). Independent Claim 55

Independent claim 55 recites the following claim limitation that is not taught or suggested by LeMay:

- *identifying a game machine from among a plurality of game machines
based on the message*

LeMay is completely devoid of any description of identifying a game machine from a plurality of game machines based on any message.

Independent claim **55** additionally recites the following claim limitations, neither of which is taught or suggested by LeMay:

- *suppressing output of the message until a second trigger condition is satisfied*
- *wherein the identified message includes a feature recommendation*

As discussed with respect to independent claim **40**, LeMay does not describe suppressing output of a message that has been determined until a trigger condition is satisfied.

As discussed with respect to independent claims **1 and 21**, LeMay does not describe outputting a message that comprises a recommendation of a feature.

1(e). Dependent claim 56

Dependent claim **56** recites the following claim limitation that is not taught or suggested by LeMay:

- *data indicating how a result of the gaming activity would have been different if the recommended feature had been activated during the gaming activity*

LeMay is completely devoid of any description of outputting a message that includes data indicating how a result of gaming activity would have been different if the recommended feature had been activated during the gaming activity. In fact, LeMay is completely devoid of any description of a feature that may affect the result of gaming activity if it is activated. For example, LeMay does not describe that whether a player is accessing a particular content or content source or receiving an e-mail message from another player can affect the gaming activity of the player. Accordingly, it does not make sense to interpret LeMay as ever outputting a message with such an indication.

Conclusion


It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

Applicants believe a two-month extension is necessary for this Response to be timely. Accordingly, please charge \$450.00 for a two-month extension of time with which to respond to the Office Action mailed October 05, 2005 to Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Application to Deposit Account No. 50-0271. Furthermore, please grant a petition for a two-month extension of time which may be required to make this Response timely, or a petition for any additional extension of time which may be necessary to make this Response timely.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number (203) 461 – 7041 or via electronic mail at mfincham@walkerdigital.com.

Respectfully submitted,

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